

**DECLARATION
Utility Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **ENDOLUMINAL OCCLUSION-IRRIGATION CATHETER WITH ASPIRATION CAPABILITIES AND METHODS OF USE** the specification of which

(Check One) is attached hereto OR
 was filed on _____ as United States Application Serial No. Not yet assigned or PCT International Application No. _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed Yes No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned

Send Correspondence to: John Kappos	LYON & LYON LLP 633 W Fifth St., Suite 4700 Los Angeles, CA 90071	Direct Telephone calls to: (949) 567-2300
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	FULL NAME OF INVENTOR	FIRST Name YUE-TEH	MIDDLE Initial	LAST Name JANG	
201	RESIDENCE & CITIZENSHIP	City Fremont	State or Foreign Country California	Country of Citizenship USA	
	POST OFFICE ADDRESS	43659 Skye Road	City Fremont	State or Country CA	Zip Code 94539
	FULL NAME OF INVENTOR	FIRST Name ROSS	MIDDLE Initial S.	LAST Name TSUGITA	
202	RESIDENCE & CITIZENSHIP	City Mountain View	State or Foreign Country California	Country of Citizenship USA	
	POST OFFICE ADDRESS	1653 Gretel Lane	City Mountain View	State or Country CA	Zip Code 94040
	FULL NAME OF INVENTOR	FIRST Name BRUCE	MIDDLE Initial S.	LAST Name ADDIS	
203	RESIDENCE & CITIZENSHIP	City Redwood City	State or Foreign Country California	Country of Citizenship USA	
	POST OFFICE ADDRESS	905 Emerald Hill Road	City Redwood City	State or Country CA	Zip Code 94061
	FULL NAME OF INVENTOR	FIRST Name TRACY	MIDDLE Initial D.	LAST Name MAAHS	
204	RESIDENCE & CITIZENSHIP	City Santa Clara	State or Foreign Country California	Country of Citizenship USA	
	POST OFFICE ADDRESS	1610 Nantucket Circle, #213	City Santa Clara	State or Country CA	Zip Code 95054
	FULL NAME OF INVENTOR	FIRST Name JEAN	MIDDLE Initial C.	LAST Name CHANG	
205	RESIDENCE & CITIZENSHIP	City Santa Clara	State or Foreign Country California	Country of Citizenship USA	
	POST OFFICE ADDRESS	320 Manzanita Avenue	City Santa Clara	State or Country CA	Zip Code 95051

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor	201
Date	12/7/99
Signature of Inventor	202
Date	12/7/99
Signature of Inventor	203
Date	12-7-99

Signature of Inventor	204
Date	12-7-99
Signature of Inventor	205
Date	12-7-99

(Signatures should conform to names as presented at 201 et seq. above.)

POWER OF ATTORNEY
By Assignee

EMBOL-X, Inc., assignee(s) of the application for United States Letters Patent for an improvement in ENDOLUMINAL OCCLUSION-IRRIGATION CATHETER WITH ASPIRATION CAPABILITIES AND METHODS OF USE by Yue-Teh Jang, Ross S. Tsugita, Bruce S. Addis, Tracy D. Maahs, and Jean C. Chang the specification of which is

filed herewith, or
 filed _____ having Serial No. _____

hereby appoints as its attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr., Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,395; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Lois M. Kwasigroch, Reg. No. 35,579; Lawrence R. LaPorte, Reg. No. 38,948; Robert C. Laurenson, Reg. No. 34,206; Carol A. Schneider, Reg. No. 34,923; Hope E. Melville, Reg. No. 34,874; Michael J. Wise, Reg. No. 34,047; Richard J. Warburg, Reg. No. 32,327; Kurt T. Mulville, Reg. No. 37,194; Theodore S. Maceiko, Reg. No. 35,593; Bruce G. Chapman, Reg. No. 33,846; and F. T. Alexandra Mahaney, Reg. No. 37,668; Stephen S. Korniczky, Reg. No. 34,853; James P. Brogan, Reg. No. 35,833; David A. Randall, Reg. No. 37,217; Christopher A. Vanderlaan, Reg. No. 37,747; and John Kappos, Reg. No. 37,861, and Jon Hallman, Reg. No. 42, 622.

Send Correspondence to: John Kappos	LYON & LYON LLP 633 W Fifth St., Suite 4700 Los Angeles, CA 90071-2066	Direct Telephone calls to: (714) 751-6606
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I, the undersigned, declare that I have reviewed copies of the documentary evidence establishing chain of title to the patent application identified above from the inventor(s) to the assignee(s) which is filed for recordation herewith. To the best of the undersigned's knowledge and belief, title is in the assignee(s) identified above. Furthermore, the undersigned is empowered to sign this document on behalf of the assignee(s).

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of Assignee:	EMBOL-X, INC.
Post Office Address	645 Clyde Avenue, Mountain View, CA 94043-2213
Signature of Declarant or Assignee:	Date: <i>[Handwritten signature]</i> <i>12/7/88</i>

Full Name of Declarant	
If Other Than Assignee:	Yue-Teh Jang
Title of Declarant:	President and CEO
Address of Declarant:	645 Clyde Avenue, Mountain View, CA 94043-2213

Applicant or Patentee: Yue-Teh Jang, Ross Tsugita, Bruce Addis, Tracy Maahs, and Jean C. Chang
Serial or Patent No.: Not yet assigned
Filed or Issued: Submitted herewith
For: ENDOLUMINAL OCCLUSION-IRRIGATION catheter WITH ASPIRATION CAPABILITIES AND METHODS OF USE

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- the owner of the small business concern identified below:
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN EMBOL-X, INC.

ADDRESS OF CONCERN 645 CLYDE AVENUE, MOUNTAIN VIEW, CALIFORNIA 94043-2213

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed, to and remain with the small business concern identified above with regard to the invention, entitled

ENDOLUMINAL OCCLUSION-IRRIGATION catheter WITH ASPIRATION CAPABILITIES AND METHODS OF USE

by inventor(s) Yue-Teh Jang, Ross S. Tsugita, Bruce S. Addis, Tracy D. Maahs, and Jean C. Chang

described in

- the specification filed herewith
 the application serial no. _____, filed _____.
 patent no. _____, issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME _____

ADDRESS _____
 Individual Small Business Concern Nonprofit Organization

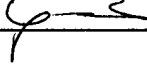
NAME _____

ADDRESS _____
 Individual Small Business Concern Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING YUE-TEH JANG
TITLE OF PERSON SIGNING President and Chief Executive Officer
ADDRESS OF PERSON SIGNING 645 Clyde Avenue, Mountain View, California 94043-2213

SIGNATURE  DATE 12/7/88